

### Remarks

In the Office Action of June 18, 2003, the Examiner rejected all claims 1-26 as follows.

Claims 12, 13, 15, and 17 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,103,166 to Boehm et al.

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,213,897 to Masutani in view of U.S. Patent 6,508,726 to Yamagishi et al.

Claims 7-11 were rejected under § 103(a) as unpatentable over U.S. Patent 6,213,897 to Masutani in view of U.S. Patent 6,508,726 to Yamagishi et al.

Claims 12-17 were rejected under § 103(a) as unpatentable over U.S. Patent 6,213,897 to Masutani in view of U.S. Patent 6,508,726 to Yamagishi et al.

Claims 18-23 were rejected under § 103(a) as unpatentable over U.S. Patent 6,213,897 to Masutani in view of U.S. Patent 6,508,726 to Yamagishi et al.

Claims 24-26 were rejected under § 103(a) as unpatentable over U.S. Patent 6,213,897 to Masutani in view of U.S. Patent 6,508,726 to Yamagishi et al.

Claims 14 and 16 were rejected under § 103(a) as unpatentable over U.S. Patent 6,103,166 to Boehm et al.

Applicant appreciates the careful and thoughtful review by the Examiner. However, it is believed that upon further review, the Examiner will appreciate that all pending claims, claims 1-26 are patentable over the cited art and in condition for allowance.

#### **A. Rejection of Claims 12, 13, 15, and 17 Under § 102(e) Should Be Withdrawn**

In support of this ground of rejection, the Examiner argued:

Claims 12, 13, 15, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Boehm et al (USPN 6103166). Boehm et al teach the claimed process as evidenced at col. 3, Ins 55-58; col 5, Ins 42-45; figs 1-3b.

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Independent claim 12 recites that the protrusion depressions defined on the inner surface of the mold, have a depth of from about 0.02 to about 0.06 inches. These depressions produce the recited outwardly extending protrusions on

the center assembly. The depth of these depressions is significantly greater than the depth of the depressions disclosed in the '166 patent to Boehm et al.

The '166 patent discloses depressions having a depth of "about 2 to about 15 mils." See col. 3, lines 58-59. Expressed in inches, this is 0.002 to 0.015 inches.<sup>1</sup> This range fails to anticipate the recited range in independent claim 12 of about 0.02 to about 0.06 inches.

For at least this reason, claim 12 and claims 13, 15, and 17 dependent therefrom, are patentable over the '166 patent to Boehm et al. Accordingly, this ground of rejection should be withdrawn.

## **B. Rejection of Claims 1-6 Under § 103(a) Should Be Withdrawn**

For this ground of rejection, the Examiner asserted:

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masutani (USPN 6213897) in view of Yamagishi et al (USPN 6508726). In regard to claim 1, Masutani teach the basic claimed process including a method of making a golf ball (col 4, Ins 45-50; col 5, Ins 30-37 and 55-67; col 6, Ins 57-59; fig 2); providing a mold having a plurality of protrusion depressions on an inner surface of the mold wherein the depression have a width of from about 0.09 to about 0.18 inches and a depth of about 0.02 to about 0.06 inches (col 4, Ins 45-50; col 5, Ins 30-37 and 55-67; col 6, Ins 57-59; fig 2); molding a center assembly having a plurality of outwardly extending protrusions from the mold (col 4, Ins 45-50; col 5, Ins 30-37 and 55-67; col 6, Ins 57-59; fig 2) and molding a cover about the center assembly having the plurality of outwardly extending protrusions to thereby obtain a golf ball (col 4, Ins 45-50; col 5, Ins 30-37 and 55-67; col 6, Ins 57-59; fig 2). However, Masutani does not teach forming the plurality of protrusion depressions. Yamagishi et al teach forming a layer on a golf ball center (col 4, Ins 34-43); forming protrusions on an inner cover layer by molding within a cavity having recesses on an inner surface thereof (col 4, Ins 34-43); forming the recesses by a cutting method such as electrical discharge machining or numerical control machining (col 4, Ins 34-43). Masutani and Yamagishi et al are combinable because they are analogous with respect to forming a layer of a golf ball having a plurality of protrusions thereon. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the protrusion depressions of Masutani by the cutting method of Yamagishi et al in order to effectively form depressions in the mold of Masutani. In regard to claims 2-6, Masutani teaches using two molds each defining a concave molding surface having a plurality of protrusion depressions on the molding surface (col 4, Ins 45-50; col 5, Ins 30-37 and 55-67; col 6, Ins 57-59; fig 2); using protrusion depressions selected from the group consisting of convex, angled, and stepped (col 4, Ins 45-50; col 5, Ins 30-37 and 55-67; col 6, Ins 57-59; fig 2); and molding an inner cover layer about the center assembly and molding an outer cover layer about the inner cover layer (col 4, Ins 45-50; col 5, Ins 10-13, 30-37 and 55-67; col 6, Ins 57-59; fig 2). However, Masutani

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<sup>1</sup> A mil is a unit of length equal to 1/1000 inch, *Merriam Webster's Dictionary*, Tenth Edition.

does not teach compression molding at the claimed specifications; and forming the protrusion depressions by one of the claimed techniques. In regard to compression molding at the claimed specification, it is well-known in the golf ball molding art to compression mold a cover layer. Further, molding parameters such as temperature and pressure are well-known in the molding art as important molding parameters and the desired temperature and pressure would have been obviously and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed temperature and pressure are generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to compression mold the center assembly of Masutani at the claimed specifications in order to form a high quality golf ball. In regard to forming the depressions by one of the claimed techniques, such was taught by the above combined teachings of Masutani and Yamagishi et al.

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Although Applicant traverses this ground of rejection, in order to expedite allowance of the claims at issue, independent claim 1 has been amended to further distinguish these claims from the cited art. Specifically, claim 1 has been amended to recite a step of molding a core which has a plurality of outwardly extending protrusions.

This is entirely distinguishable from either of the '897 patent to Masutani or the '726 patent to Yamagishi et al. Both of those patents describe golf balls having cores that are spherical and free of any outwardly extending protrusions. In fact, if one followed the teachings of these patents, one would be motivated to provide protrusions on either an intermediate layer (as in the '897 patent), or an inner cover layer (as in the '726 patent). There is simply no teaching in either of these patents of providing such protrusions along the outer surface of a core.

The descriptions of producing an intermediate layer or an inner cover layer in the '897 patent and '726 patent do not provide sufficient teaching for molding a core having a plurality of outwardly extending protrusions. First, the materials used in molding a core are typically very different from those employed in forming intermediate or cover layers. Different molding materials are utilized to achieve different physical properties in the resulting golf ball product. Cores are usually formed from one or more polybutadiene compositions, whereas outer layers typically include stiffer and harder materials. The process conditions used for molding these different materials are significantly different. Moreover, the manufacturing concerns are different for molding a core as compared to forming outer layers or cover layers. For example, when producing a core, it is often desirable to achieve a uniform

density, whereas when forming layers or inner covers, surface characteristics of such layers are of interest. Simply put, the limited descriptions of forming various layers in the cited patents do not provide sufficient teaching for the processes recited in the claims at issue, and particularly in forming a core with protrusions.

Since independent claim 1 is distinguishable from, and patentable over, the '897 and '726 patents, so, too, are claims 2-6 dependent therefrom.

### **C. Rejection of Claims 7-11 Under § 103(a) Should Be Withdrawn**

The Examiner rejected these claims under § 103(a) based upon the '897 patent and the '726 patent. Specifically, the Examiner contended:

Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masutani (USPN 6213897) in view of Yamagishi et al (USPN 6508726). In regard to claim 7, Masutani teach the basic claimed process including a method of making a golf ball (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); molding a spherical center (col 3, ln 25-col 4, ln 5); providing a mold having a plurality of protrusion depressions on an inner surface of the mold wherein the depression have a width of from about 0.09 to about 0.18 inches and a depth of about 0.02 to about 0.06 inches (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); positioning the center within the mold having the plurality of protrusion depressions (col 4, lns 45-50; col 5, lns 10-13, 30-37 and 55-67); col 6, lns 57-59; fig 2); molding a mantle layer about the center in the mold to form a center assembly having a plurality of outwardly extending protrusions (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); and molding a cover about the mantle layer (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2). However, Masutani does not teach forming the plurality of protrusion depressions. Yamagishi et al teach forming a layer on a golf ball center (col 4, lns 34-43); forming protrusions on an inner cover layer by molding within a cavity having recesses on an inner surface thereof (col 4, lns 34-43); forming the recesses by a cutting method such as electrical discharge machining or numerical control machining (col 4, lns 34-43). Masutani and Yamagishi et al are combinable because they are analogous with respect to forming a layer of a golf ball having a plurality of protrusions thereon. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the protrusion depressions of Masutani by the cutting method of Yamagishi et al in order to effectively form depressions in the mold of Masutani. In regard to claims 8-11, Masutani teaches using protrusion depressions selected from the group consisting of convex, angled, and stepped (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); and molding a first cover layer about the mantle layer and molding a second cover layer about the first cover layer (col 4, lns 45-50; col 5, lns 10-13, 30-37 and 55-67; col 6, lns 57-59; fig 2). However, Masutani does not teach injection molding at the claimed specifications; and forming the protrusion depressions by one of the claimed techniques. In regard to injection molding at the claimed specification, molding parameters such as temperature and duration are well-known in the molding art as important molding parameters and the desired temperature and duration would have been obviously

and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed temperature and duration are generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to injection mold the mantle layer of Masutani at the claimed specifications in order to form a high quality golf ball. In regard to forming the depressions by one of the claimed techniques, such was taught by the above combined teachings of Masutani and Yamagishi et al.

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Independent claim 7 has been amended to recite that the depressions formed in the mold, and thus, the resulting protrusions on the center assembly, are "stepped." No new matter is added by this amendment since support is found throughout the application and particularly at page 11, line 4 to page 13, line 13.

Neither of the '897 or '726 patents teach, describe, or even suggest this particular configuration. The most that the cited art describes in this regard is in the '897 patent where it is noted:

The shape of recesses or protrusions is not critical and they may be formed to an appropriate shape such as cylinder, cone, prism, pyramid, frusto-cone or frusto-pyramid.

Col. 5, lines 35-37 of the '897 patent.

In no way does this passage teach the provision of a "stepped" protrusion. In fact, the '897 patent teaches that the shape of the recesses or protrusions is not important.

For at least this reason, independent claim 7 is distinguishable from, and patentable over, the '897 and '726 patents. Since independent claim 7 is patentable over the cited art, so, too, are claims 8-11 which are dependent therefrom.

#### **D. Rejection of Claims 12-17 Under § 103(a) Should Be Withdrawn**

The Examiner rejected these claims under § 103(a) based upon the '897 and '726 patents. Specifically, the Examiner asserted:

Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masutani (USPN 6213897) in view of Yamagishi et al (USPN 6508726). In regard to claim 12, Masutani teach the basic claimed process including a method of making a golf ball (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); providing a mold having a plurality of protrusion depressions on an inner surface of the mold wherein the depression have a depth of about 0.02 to about 0.06 inches (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); producing a center assembly having a plurality of outwardly extending protrusions from the mold (col 4, lns 45-50; col

5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); forming a mantle layer about the center assembly having the outwardly extending protrusions (col 4, lns 45-50; col 5, lns 10-13, 30-37 and 55-67; col 6, lns 57-59; fig 20; and producing a cover about the mantle layer to thereby obtain a golf ball (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2). However, Masutani does not teach forming the plurality of protrusion depressions. Yamagishi et al teach forming a layer on a golf ball center (col 4, lns 34-43); forming protrusions on an inner cover layer by molding within a cavity having recesses on an inner surface thereof (col 4, lns 34-43); forming the recesses by a cutting method such as electrical discharge machining or numerical control machining (col 4, lns 34-43). Masutani and Yamagishi et al are combinable because they are analogous with respect to forming a layer of a golf ball having a plurality of protrusions thereon. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the protrusion depressions of Masutani by the cutting method of Yamagishi et al in order to effectively form depressions in the mold of Masutani. In regard to claims 13-16, Masutani teaches using two molds each defining a concave molding surface having a plurality of protrusion depressions on the molding surface (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); using protrusion depressions selected from the group consisting of convex, angled, and stepped (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); and forming a first inner cover layer about the mantle and forming an outer cover layer about the first inner cover layer (col 4, lns 45-50; col 5, lns 10-13, 30-37 and 55-67; col 6, lns 57-59; fig 2). However, Masutani does not teach compression molding at the claimed specifications; and forming the protrusion depressions by one of the claimed techniques. In regard to compression molding at the claimed specification, it is well-known in the golf ball molding art to compression mold a cover layer. Further, molding parameter such as temperature is well-known in the molding art as an important molding parameter and the desired temperature would have been obviously and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed temperature is generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to compression mold the cover assembly of Masutani at the claimed specifications in order to form a high quality golf ball. In regard to forming the depressions by one of the claimed techniques, such was taught by the above combined teachings of Masutani and Yamagishi et al.

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Independent claim 12 recites forming a multi-layered golf ball in which a center assembly is formed having outwardly extending protrusions. Claim 12 further recites forming a mantle layer on the center assembly having the plurality of outwardly extending protrusions.

In contrast, both of the '897 patent and the '726 patent describe forming a spherical core and then forming on the core, either an intermediate layer having protrusions or an inner cover layer having protrusions. That is, the protrusions are formed on the intermediate layer or the inner cover. Neither of the

'897 patent nor the '726 patent teach, describe, or even suggest forming a center assembly having protrusions on which is then formed an intermediate layer or inner cover.

Since independent claim 12 is distinguishable from the cited art, and thus is believed to be patentable thereover, so, too, are claims 13-17 dependent therefrom.

#### **E. Rejection of Claims 18-23 Under § 103(a) Should Be Withdrawn**

In support of this ground of rejection, the Examiner contended:

Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masutani (USPN 6213897) in view of Yamagishi et al (USPN 6508726). In regard to claim 18, Masutani teach the basic claimed process including a method of making a golf ball (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); molding a spherical center (col 3, ln 25-col 4, ln 5); providing a mold having a plurality of protrusion depressions on an inner surface of the mold wherein the depression have a width of from about 0.09 to about 0.18 inches (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); positioning the center within the mold having the plurality of protrusion depressions (col 4, lns 45-50; col 5, lns 10-13, 30-37 and 55-67; col 6, lns 57-59; fig 2); molding mantle layer about the center to form a center assembly having a plurality of outwardly extending protrusions (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); molding an intermediate layer about the center assembly having the outwardly extending protrusions (col 4, lns 45-50; col 5, lns 10-13, 30-37 and 55-67; col 6, lns 57-59; fig 2); and molding a cover about the intermediate layer to thereby obtain a golf ball (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2). However, Masutani does not teach forming the plurality of protrusion depressions. Yamagishi et al teach forming a layer on a golf ball center (col 4, lns 34-43); forming protrusions on an inner cover layer by molding within a cavity having recesses on an inner surface thereof (col 4, lns 34-43); forming the recesses by a cutting method such as electrical discharge machining or numerical control machining (col 4, lns 34-43). Masutani and Yamagishi et al are combinable because they are analogous with respect to forming a layer of a golf ball having a plurality of protrusions thereon. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the protrusion depressions of Masutani by the cutting method of Yamagishi et al in order to reflectively form depressions in the mold of Masutani. In regard to claims 19-23, Masutani teaches using two molds each defining a concave molding surface having a plurality of protrusion depressions on the molding surface (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); using protrusion depressions selected from the group consisting of convex, angled, and stepped (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); and molding a first cover layer about the intermediate layer and molding a second cover layer about the first cover layer (col 4, lns 45-50; col 5, lns 10-13, 30-37 and 55-67; col 6, lns 57-59; fig 2). However, Masutani does not teach compression molding at the claimed specifications; and forming the protrusion depressions by one of the claimed

techniques. In regard to compression molding at the claimed specification, it is well-known in the golf ball molding art to compression mold a cover layer. Further, molding parameter such as temperature is well-known in the molding art as an important molding parameter and the desired temperature would have been obviously and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed temperature is generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to compression mold the center assembly of Masutani at the claimed specifications in order to form a high quality golf ball. In regard to forming the depressions by one of the claimed techniques, such was taught by the above combined teachings of Masutani and Yamagishi et al.

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Independent claim 18 recites a method for forming a golf ball comprising molding a spherical center, molding a mantle layer about the center such that the mantle layer has a plurality of outwardly extending protrusions, molding an intermediate layer about the mantle having the protrusions, and molding a cover about the intermediate layer.

Neither of the cited '897 patent nor the '726 patent teach, describe, or even suggest this particular method. The '897 patent only teaches a golf ball having a core, intermediate layer, and a cover. The '726 patent only teaches a golf ball having a core, an inner cover, and an outer cover. There is simply no teaching in these patents of forming the particular layers recited in claim 18, having the noted configurations, and in the noted order.

Since independent claim 18 is patentable over the cited art, so, too, are claims 19-23 dependent therefrom.

#### **F. Rejection of Claims 24-26 Based Upon § 103(a) Should Be Withdrawn**

In support of this ground of rejection, the Examiner contended:

Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masutani (USPN 6213897) in view of Yamagishi et al (USPN 6508726). In regard to claim 24, Masutani teach the basic claimed process including a method of making a golf ball (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); providing a first die defining a first hemispherical molding surface (col 4, lns 45-50; col 5, lns 10-13, 30-37 and 55-67; col 6, lns 57-59; fig 2); providing a second die defining a second hemispherical molding surface, the second die adapted to engage with the first die such that the first molding surface and second molding surface align with each other to form a spherical molding surface adapted to form a golf ball component (col 4, lns 45-50; col 5, lns 10-13, 30-37 and 55-67; col 6, lns 57-59; fig 2); providing a mold having a plurality of protrusion depressions on an inner surface of the mold wherein the depression



have a width of from about 0.09 to about 0.18 inches and a depth of about 0.02 to about 0.06 inches (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); positioning the first and second dies together to form a generally spherical molding cavity defining the plurality of protrusion depressions therein (col 4, lns 45-50; col 5, lns 10-13, 30-37 and 55-67; col 6, lns 57-59; fig 2); molding a center assembly in the molding cavity (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2); and forming a cover about the center assembly to thereby obtain a golf ball (col 4, lns 45-50; col 5, lns 30-37 and 55-67; col 6, lns 57-59; fig 2). However, Masutani does not teach machining the plurality of protrusion depressions. Yamagishi et al teach forming a layer on a golf ball center (col 4, lns 34-43); forming protrusions on an inner cover layer by molding within a cavity having recesses on an inner surface thereof (col 4, lns 34-43); forming the recesses by a cutting method such as electrical discharge machining or numerical control machining (col 4, lns 34-43). Masutani and Yamagishi et al are combinable because they are analogous with respect to forming a layer of a golf ball having a plurality of protrusion thereon. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to machine the protrusion depressions of Masutani by the cutting method of Yamagishi et al in order to effectively form depressions in the mold of Masutani. In regard to claim 25, it is well-known in the golf ball molding art to compression mold a cover layer. Further, molding parameters such as temperature and pressure are well-known in the molding art as important molding parameters and the desired temperature and pressure would have been obviously and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed temperature and pressure are generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to compression mold the center assembly of Masutani at the claimed specifications in order to form a high quality golf ball. In regard to claim 26, Masutani teaches injection molding (col 4, lns 45-50; col 5, lns 10-13, 30-37 and 55-67; col 5, lns 57-59; fig 2). Molding parameters such as temperature and duration are well-known in the molding art as important molding parameters and the desired temperature and duration would have been obviously and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed temperature and duration are generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to injection mold the center assembly of Masutani at the claimed specifications in order to form a high quality golf ball.

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Claim 24 has been amended to further distinguish the claimed method from the techniques described in the cited art. Specifically, claim 24 now recites that a plurality of protrusion convex depressions are formed in the first and second dies. No new matter is added by this amendment since support is found throughout the application, particularly at on page 7.

This feature is not taught or described in either of the '897 patent or the '726 patent. Instead, the '897 patent notes forming a variety of shapes that have either straight or angled walls. None of the shapes described feature an arcuate or curved wall like that of the recited convex depressions.

Since independent claim 24 is patentable over the cited art, so, too, are claims 25 and 26, dependent therefrom.

#### **G. Rejection of Claims 14 and 16 Under § 103(a) Should Be Withdrawn**

The Examiner rejected claims 14 and 16 on grounds that:

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boehm et al (USPN 6103166) as applied to claim 12 above. However, Boehm et al does not teach compression molding at the claimed specifications; and forming the depressions by the claimed techniques. In regard to compression molding at the claimed specification, it is well-known in the golf ball molding art to compression mold a layer. Further, molding parameter such as temperature is well-known in the molding art as an important molding parameter and the desired temperature would have been obviously and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed temperature is generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to compression mold the center assembly of Boehm et al at the claimed specifications in order to form a high quality golf ball. In regard to forming the depressions by the claimed techniques, such is well-known in the golf ball art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the depressions of Boehm et al by any of the well-known claimed techniques in order to form precise depressions.

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Claims 14 and 16 depend from claim 12. Claim 12 recites a method of forming a golf ball including a step of forming a plurality of protrusion depressions on the inner surface of a mold, in which the depressions have a depth of from about 0.02 to about 0.06 inches.

As previously noted, the '166 patent teaches the use of a textured surface having significantly shallower recesses. In point of fact, the '166 patent describes depressions having a depth of 0.002 to 0.015 inches. See col. 3, lines 58-59.

Furthermore, if one followed the teachings of the '166 patent, one would be motivated to not utilize depths greater than 0.015 inches. The '166 patent states in this regard:

Likewise, it has been found that if the height of the depressions is greater than 15 mils, it is very difficult to remove the core or intermediate layer from the mold cavity.

Col. 5, lines 33-35. The '166 patent actually teaches away from the subject matter of the claims at issue.

Since claims 14 and 16 depend from claim 12, they contain all of the recitations of that claim. Accordingly, claims 14 and 16 are believed to be patentable over the '166 patent.

#### **H. Conclusion**

In view of the foregoing, it is respectfully submitted that all claims 1-26 are patentable over the cited art and in condition for allowance.

Respectfully submitted,

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MINNICH & McKEE, LLP



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